IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO. 2801 of 2005

Between:

B.M. Rao, E-86079, A.D.C. Gajuwaka Depot, S/o. Late Subbaiah,
R/o. Gajuwaka, Visakhapatnam.

..... PETITIONER

AND

The Depot Manager, APSRTC, Gajuwaka Depot, Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent herein in issuing the charge sheet and suspension order in Proc. No. M1/804(2)/2005, GWK, dt. 3-2-2005, as illegal, arbitrary and as such liable to be set aside.

Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondent: KUM.B.G.UMA DEVI

The Court at the admission stage made the following O R D E R:

Challenging the action of the respondent in issuing the impugned proceedings dated 03.02.2005, the present writ petition is filed.

Learned counsel appearing for the petitioner vehemently contended that the petitioner has not misappropriated any amount, but his co-employee by name G.Subba Rao, had intentionally concealed the facts of missing tickets and that he is alone responsible for misappropriation of an amount of Rs.36,092/- being the value of bus pass tickets. Therefore, he seeks for appropriate directions.

In the preliminary report, it was recorded that the present petitioner, the other ADC performing the duties at bus pass section had intentionally concealed the facts of missing tickets in tray box Nos. 802 and 801 which were operating by them 23.01.2005 onwards after the said G.Subba Rao, ADC was kept under depot spare. The respondent, basing on the said allegations, placed the petitioner under suspension. Whether the petitioner has any connivance with the co-delinquent or whether he was involved in the misappropriation or not has to be gone into in the departmental enquiry. Since serious allegations are levelled against the petitioner alleging that he had intentionally concealed the facts of missing tickets in tray box, this Court is of the opinion that the respondent has rightly placed the petitioner under suspension. The jurisdiction or the authority, who issued the suspension order is not under challenge.

Hence the writ petition is disposed of at the stage of admission directing the

respondents to complete the enquiry within a period of four months from the date of receipt of a copy of this order. No order as to costs.

17.02.2005

usd

To

1. The Depot Manager, APSRTC, Gajuwaka Depot, Visakhapatnam District.
2. Two CD copies.